

## Message Text

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ACTION NEA-09

INFO OCT-01 ISO-00 SCA-01 SCS-03 L-02 H-02 /018 W

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P R 250510Z APR 75

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC PRIORITY 8322

INFO AMCONSUL CALCUTTA

C O N F I D E N T I A L NEW DELHI 5546

THE FOLLOWING TELEGRAM SENT ACTION NEW DELHI FROM CALCUTTA  
24 APR 75 REPEATED TO YOU.

QUOTE:

C O N F I D E N T I A L CALCUTTA 0931

E.O. 11652: GDS

TAGS: PFOR, CASC, IN, US

SUBJ: HARCOS/FLETCHER

1. SUMMARY: THE PUBLIC PROSECUTOR HAS FINALLY BEEN INFORMED, BY THE SPECIAL BRAMUH, THAT INSTRUCTIONS HWYNPBEEFQRECEIVED TO ACCEPT A LESSER PLEA IN THE HARCOS/FLETCHER CASE. END SUMMARY#
2. AS YOU ARE AWARE GOI SENT AUTHORIZATION TO GOWB TO ACCEPT THE LESSER PLEA FROM HARCOS AND FLETCHER IN EARLY APRIL (NEW DELHI 4985). WHEN DEFENDANTS' LAWYERS REPORTED THAT THE PUBLIC PROSECUTOR HAD RECEIVED NO INSTRUCTION REGARDING THIS MATTER I CALLAF ON THE GOWB HOME SECRETARY ON APRIL 10. HE STATED AT THAT TIME THAT "HE HAD JUST RECEIVED THEM" (CALCUTTA 836). DURING THE FOLLOWING DAYS THE DEFENDANTS' LAWYERS MADE, AT OUR REQUEST, SEVERAL FRUITLESS ENQUIRIES, REGARDING THE AUTHORIZATION FROM NEW DELHI.
3. DURING THE VISIT OF THE POL CONSELOR ON APRIL 21 \* &9, CHIEF SECRETARY GUPTA CONFIRMED RECEIPT OF AUTHORIZATION. IN ADDITION, IN RESPONSE TO A QUERY FROM THE POL COUNSELOR HE ADVISED THAT  
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THE PUBLIC PROSECUTOR WOULD RAISE NO OBJECTION TO A PLEADING TO

LESSER CHARGES.

4. ON THE MORNING OF APRIL 23 ADVOCATE DUDHWEWALA ADVISED THE CONOFF BY TELEPHONE THAT ALEK GHOSH (INVESTIGATING OFFICER/ SPECIAL BRANCH) HAD THE PREVIOUS EVENING INFORMED THE PUBLIC PROSECUTOR THAT HE HAD RECEIVED INSTRUCTIONS FROM THE GOVERNMENT (DUDHWEWALA DID NOT KNOW WHETHER GOI OR GOWB) TO ACCEPT FROM HARCOS AND FLETCHER A PLEA TO LESSER CHARGES. GHOSH THEN REQUESTED THE PUBLIC PROSECUTOR'S WRITTEN COMMENTS. DUDHWEWALA OPINED THAT THE PUBLIC PROSECUTOR WOULD COMMENT FAVORABLY.

5. DUDHWEWALA IN RESPONSE TO THE CONOFF'S QUERY NOTED THAT THE PUBLIC PROSECUTOR WOULD HAVE TO REQUEST PERMISSION OF THE COURT TO WITHDRAW THE PRESENT CHARGES AND THEN PRESENT SUFFICIENT EVIDENCE TO SUBSTANTIATE FRAMING OF NEW CHARGES, BEFORE THE DEFENDANTS WILL BE ALLOWED TO PLEAD TO THE LESSER CHARGE.

6. DUDHWEWALA WAS RELUTANT TO COMMENT ON HOW LONG THIS PROCEDURE

WOULD TAKE BUT NOTED TO THE CONOFF, WITH EVIDENT RELIEF, THE RETURN TO SESSIONS COURT OF JUDGE CHAUDHURI WHO HAD BEEN HEARING THE CASE. HE JUDGED BY BOTH DUDHWEWALA AND CONOFF TO BE FAIR AND SYMPATHETIC TO HARCOS AND FLETCHER.

7. COMMENT. OBVIOUSLY THE VISIT OF THE POL COUNSELOR HAS GOT THE CASE MOVING AGAIN, HOPEFULLY TO ITS FINAL TERMINATION. ROSSELOT

UNQUOTE.  
SAXBE

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 25 APR 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** greeneet  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975NEWDE05546  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D750145-0826  
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**Handling Restrictions:** n/a  
**Image Path:**  
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**Legacy Key:** link1975/newtext/t19750417/aaaaapgt.tel  
**Line Count:** 91  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION NEA  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
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**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** greeneet  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 05 AUG 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <05 AUG 2003 by izenbei0>; APPROVED <24 NOV 2003 by greeneet>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** HARCOS/FLETCHER  
**TAGS:** CASC, IN, US, (HARCOS), (FLETCHER)  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006